

108TH CONGRESS  
1ST SESSION

# S. 1845

To amend title 37, United States Code, to provide financial assistance to State and local governments that continue to pay employees who serve on active duty in a reserve component of the uniformed services.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 11, 2003

Mrs. BOXER introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To amend title 37, United States Code, to provide financial assistance to State and local governments that continue to pay employees who serve on active duty in a reserve component of the uniformed services.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Service to Country Re-  
5       imbursement Act of 2003”.

1 **SEC. 2. ASSISTANCE FOR STATE AND LOCAL GOVERN-**  
 2 **MENTS THAT CONTINUE TO PAY EMPLOYEES**  
 3 **WHO SERVE ON ACTIVE DUTY IN A RESERVE**  
 4 **COMPONENT OF THE UNIFORMED SERVICES.**

5 (a) IN GENERAL.—Chapter 17 of title 37, United  
 6 States Code, is amended by adding at the end the fol-  
 7 lowing new section:

8 **“§ 910. Assistance for State and local governments**  
 9 **that continue to pay employees who**  
 10 **serve on active duty**

11 “(a) CONTINUATION OF CIVILIAN BASIC PAY.—It is  
 12 the purpose of this section to encourage States and local  
 13 governments to continue to pay a portion of the civilian  
 14 compensation of those employees who are also members  
 15 of a reserve component and are absent from a position  
 16 of employment with the State or local government under  
 17 a call or order to serve on active duty for a period of more  
 18 than 30 days so that the employees receive compensation  
 19 in an amount that, when taken together with their military  
 20 pay, is at least equal to their civilian compensation.

21 “(b) REIMBURSEMENT OFFERED.—At the request of  
 22 a State or local government that continues to pay all or  
 23 a portion of the civilian compensation of an employee de-  
 24 scribed in subsection (a), the Secretary concerned shall re-  
 25 imburse the State or local government for the civilian com-  
 26 pensation paid by the State or local government for each

1 pay period described in subsection (c), but not to exceed  
 2 the difference (if any) between—

3 “(1) the amount of civilian compensation that  
 4 would otherwise have been payable to the employee  
 5 for such pay period if the employee’s civilian employ-  
 6 ment with the State or local government had not  
 7 been interrupted by the service on active duty; and

8 “(2) the amount of military pay that is payable  
 9 to the employee for the service on active duty and  
 10 is allocable to such pay period.

11 “(c) PAY PERIODS.—Reimbursement shall be pro-  
 12 vided under this section with respect to each pay period  
 13 (which would otherwise apply if the employee’s civilian em-  
 14 ployment had not been interrupted) that occurs—

15 “(1) while the employee serves on active duty  
 16 for a period of more than 30 days;

17 “(2) while the employee is hospitalized for, or  
 18 convalescing from, an illness or injury incurred in,  
 19 or aggravated during, the performance of such active  
 20 duty; or

21 “(3) during the 14-day period beginning at the  
 22 end of such active duty or the end of the period re-  
 23 ferred to in paragraph (2).

24 “(d) EFFECT OF FAILURE TO RETURN TO EMPLOY-  
 25 MENT.—(1) If an employee described in subsection (a),

1 with respect to whom reimbursement is provided to a  
2 State or local government under this section, fails to re-  
3 port or apply for employment or reemployment with the  
4 State or local government by the end of the period referred  
5 to in subsection (c)(3), the employee shall refund to the  
6 Secretary concerned the total amount of the reimburse-  
7 ment provided with respect to the employee.

8 “(2) Subject to paragraph (3), an obligation to re-  
9 fund moneys to the United States imposed under para-  
10 graph (1) is for all purposes a debt owed to the United  
11 States.

12 “(3)(A) The Secretary concerned may waive, in whole  
13 or in part, a refund required under paragraph (1) if the  
14 Secretary concerned determines that recovery would be  
15 against equity and good conscience or would be contrary  
16 to the best interests of the United States.

17 “(B) The Secretary concerned shall waive a refund  
18 required under paragraph (1) if the Secretary concerned  
19 determines that the failure of the employee in question  
20 to report or apply for employment or reemployment was  
21 due to an injury or disability of the employee that is not  
22 the fault of the employee.

23 “(4) A discharge in bankruptcy under title 11 that  
24 is entered less than five years after the end of the period  
25 referred to in subsection (c)(3) does not discharge the em-

1 ployee from a debt arising under paragraph (1). This  
 2 paragraph applies to any case commenced under title 11  
 3 after the date of the enactment of this section.

4 “(e) REGULATIONS.—The Secretaries concerned shall  
 5 prescribe regulations to carry out this section.

6 “(f) DEFINITIONS.—In this section:

7 “(1) The term ‘civilian compensation’ means  
 8 the wages or salary that an employee of a State or  
 9 local government normally receives from the employ-  
 10 ee’s employment by the State or local government.

11 “(2) The term ‘local government’ means an  
 12 agency or political subdivision of a State.

13 “(3) The term ‘military pay’ has the meaning  
 14 given the term ‘pay’ in section 101(21) of this title.

15 “(4) The term ‘State’ means each of the several  
 16 States of the United States, the District of Colum-  
 17 bia, the Commonwealth of Puerto Rico, Guam, the  
 18 Virgin Islands, and other territories or possessions  
 19 of the United States.”.

20 (b) CLERICAL AMENDMENT.—The table of sections  
 21 at the beginning of chapter 17 of title 37, United States  
 22 Code, is amended by inserting after the item relating to  
 23 section 909 the following new item:

“910. Assistance for State and local governments that continue to pay employ-  
 ees who serve on active duty.”.

1       (c) APPLICATION OF AMENDMENT.—Section 910 of  
2 title 37, United States Code, as added by subsection (a),  
3 shall apply with respect to pay periods (as described in  
4 subsection (b) of such section) beginning on or after the  
5 date of the enactment of this Act.

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